

Habitual Traffic Violator (“HTV”)
I.C. § 9-30-10-4(b).
3 judgments in 10 years =
10 year suspension of driving privileges
I.C. § 9-30-10-5(b)(3).

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Driving While Suspended (“DWS”) for HTV
Purposes under 9-30-10-4(b)

The 3 Judgments must not be from the same incident, at least one judgment must be after 3/1/1984, and the 3 judgments must be from the following list, which is located at 9-30-10-4(b):

1. Operating a vehicle while intoxicated;
2. Operating a vehicle with at least .10% alcohol in the blood before 7/1/1997;
3. Operating a vehicle with at least .10 gram of alcohol per 100 ml of blood or 210 liters of breath after 6/30/1997 but before 7/1/ 2001;
4. Operating a vehicle with at least .08 gram of alcohol per 100 ml of blood or 210 liters of breath after 6/30/2001;
5. Operating a vehicle while license is suspended or revoked (“DWS”) resulting from a conviction of an offense under 9-24-19-3, 9-24-19-5, 9-1-4-52 before its repeal on 7/1/1991, or 9-24-18-5(b) before its repeal on 7/1/2000; Follow the steps in the graph to the right to determine if the DWS judgment falls into this category #5. Only the DWS conviction in Step 4 meets the criteria for this subsection;
6. Operating a vehicle without ever receiving a license;
7. Reckless driving;
8. Criminal recklessness involving the operation of a motor vehicle;
9. Drag racing or engaging in a speed contest;
- 10.a. Violation of driver’s duties if involved in an accident resulting in injury or death (9-26-1-1(1), (2) or (4));
- 10.b. Violation of driver’s duties if involved in an accident resulting in damage to a driven or attended vehicle (9-26-1-2(1) or (2))
- 10.c. Violation of driver’s duties after colliding with an unattended vehicle (9-26-1-3);
- 10.d. Violation of driver’s duties after causing damage to property other than a vehicle (9-26-1-4);
- 10.e. Violation of 9-4-1-40 or -46 before their repeal on 7/1/1991;
11. Any felony under an Indiana motor vehicle statute, or any felony involving the use of a motor vehicle;
12. Any judgment under 9-30-10-4(a) which include:
 - Reckless homicide resulting from the operation of a motor vehicle;
 - Involuntary manslaughter resulting from the operation of a motor vehicle;
 - Voluntary manslaughter resulting from the operation of a motor vehicle;
 - Violation of driver’s duties if involved in an accident resulting in injury or death;
 - Operating a vehicle while intoxicated resulting in death;
 - Operating a vehicle with at least .10% of alcohol in the blood before 7/1/1997 resulting in death;
 - Operating a vehicle with at least .10 gram of alcohol per 100 ml of blood or 2 liters of breath after 6/30/1997 and before 7/1/2001 resulting in death;
 - Operating a vehicle with .08 gram of alcohol per 100 ml of blood or 210 liters of breath after 6/30/2001 resulting in death.

Step 1
Conviction for
an offense =
suspension #1.

A person is convicted of a criminal offense (defined in 35-41-1-19) and receives a license suspension. Convictions for offenses that could result in a license suspension include, but are not limited to:
Controlled substance (possession and related crimes) in a vehicle (9-30-4-6(b)(6) and 35-48-4-15);
Counterfeiting a certificate of registration (9-18-2-42);
Counterfeiting a certificate of title (9-17-2-16);
Driving while license is suspended or revoked (9-24-19-2, -3, -4);
Failure to comply with reporting requirements after accident (9-26-1-8, -9, -10 and 9-30-4-6(b)(5));
Improper use ... of a driver’s license ... to obtain ... alcohol (9-24-18-8);
Involuntary manslaughter resulting from the use of a vehicle (9-30-13-4(1));
Manslaughter resulting from the use of a vehicle (9-30-4-6(b)(1));
Operating a motorboat while intoxicated (14-15-8-8);
Operating a vehicle in violation of a medical restriction (9-24-11-8(b) and (c));
Operating a vehicle while intoxicated (9-30-5-10);
Operating a vehicle while license is suspended as a habitual traffic violator (9-30-10-16);
Operating a vehicle without ever receiving a license (9-24-18-1, 9-30-3-16 and 9-30-4-1);
Operating a vehicle without proof of insurance, with a prior conviction (9-25-8-2);
Perjury in certain situations (9-30-4-6(b)(2));
Reckless driving resulting in damage to another person’s property (9-21-8-52(b));
Reckless homicide resulting from the use of a vehicle (9-30-4-6(b)(1) and 9-30-13-4(2));
Use of a motor vehicle during the commission of a felony (9-30-4-6(b)(3));
Use of a motor vehicle to commit criminal mischief (9-30-13-3 and 35-43-1-2);
Use of a motor vehicle to commit criminal recklessness (9-30-13-1 and 35-42-2-2);
Use of a motor vehicle to commit criminal recklessness 3 times in 12 months (9-30-4-6(b)(4));
Use of a motor vehicle to commit obstruction of traffic (9-30-13-2 and 35-42-2-4);

Suspension period #1

Step 2
Convicted for driving
during suspension
period #1 = 2nd
suspension.

While suspended due to the conviction for a criminal offense, as noted in Step 1, the person is caught driving and convicted of DWS, a Class A misdemeanor. (9-24-19-3). This second conviction results in a license suspension for at least 90 days but not more than 2 years. (9-30-19-5).

Suspension period #2

Step 3
Convicted for driving
during suspension
period #2.

While suspended due to the conviction for DWS, noted in Step 2, the person is caught driving and convicted of DWS again, a Class A misdemeanor. (9-24-19-2 or -3).

Step 4
This conviction is the conviction
used for HTV determination
pursuant to 9-30-10-4(b).

This last conviction, for DWS, is counted as one of the judgments used to determine HTV status when combined with two additional judgments listed in 9-30-10-4(b). (9-30-10-4(b)(5)).